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*Attorneys for Defendant
Aetna Life Insurance Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MONTVALE SURGICAL CENTER
a/s/o SUSAN S., ET AL.,

Plaintiffs,

v.

AETNA INSURANCE COMPANY,
INC., ET AL.,

Defendants.

Civil Action No. 12-2935 (KM-JAD)

PLEASE TAKE NOTICE that, as soon as counsel may be heard, the undersigned, attorneys for Defendant, Aetna Life Insurance Company (improperly pled as “Aetna Insurance Company”) (hereinafter “Aetna”), with the consent of counsel for all Plaintiffs, shall move before the Hon. Kevin McNulty, U.S.D.J., at the United States District Court for the District of New Jersey, King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an Order pursuant to Federal Rule of Civil Procedure 42 and Local Civil Rule 42.1 that consolidates the related cases (the “Related Cases”) brought by Plaintiff, Montvale Surgical Center, LLC, against Aetna for the purpose of pre-trial proceedings and discovery only.¹

¹ The Related Cases are all currently pending in the Newark Vicinage of the District of New Jersey, as follows: (1) *Montvale Surgical Center, LLC a/s/o Christopher K. et al. v. Aetna Ins. Co. et al.*, Civ. No. 12-

PLEASE TAKE FURTHER NOTICE that, in support of this consent motion, Aetna will rely upon the accompanying letter-brief.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order directed to Judge Kevin McNulty, U.S.D.J., that grants Aetna's present Consent Motion to Consolidate is submitted, as is a proposed form of order directed to Chief Judge Jerome B. Simandle, C.J.U.S.D.C., that effectuates the transfer of the Related Cases pursuant to Local Civil Rule 40.1(e) if Aetna's present Consent Motion to Consolidate is granted.²

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Dated: September 17, 2012

By: s/ Edward S. Wardell
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3676 (SRC/CLW); (2) *Montvale Surgical Center, LLC a/s/o Shawn S. et al. v. Aetna Ins. Co. et al.*, Civ. No. 12-3684 (DRD/PS); (3) *Montvale Surgical Center, LLC a/s/o Joseph K. et al. v. Aetna Ins. Co. et al.*, Civ. No. 12-3687 (KM/MF); (4) *Montvale Surgical Center, LLC a/s/o Robert E. v. Aetna et al.*, Civ. No. 12-3690 (ES/CLW); (5) *Montvale Surgical Center, LLC a/s/o Dorothea Y. v. Aetna et al.*, Civ. No. 12-3733 (CCC/JAD); (6) *Montvale Surgical Center, LLC a/s/o Shirley F. et al v. Aetna Ins. Co. et al.*, Civ. No. 12-3773 (CCC/JAD); (7) *Montvale Surgical Center, LLC a/s/o Donald J. v. Aetna Ins. et al.*, Civ. No. 12-4285 (KSH/PS); (8) *Montvale Surgical Center, LLC a/s/o Ana J. et al. v. Aetna Ins. et al.*, Civ. No. 12-4286 (KM/JAD).

² Local Civil Rule 42.1 and related jurisprudence indicates that in the District of New Jersey, the Judge assigned to the case with the earliest docket number decides the substantive issue of whether cases should be consolidated. Pursuant to L. Civ. R. 40.1(e), however, the reassignment of cases within this District is exclusively at the discretion of the Chief Judge. Accordingly, Aetna has included two proposed orders with the present Motion to Consolidate: (1) an order directed to Judge McNulty pursuant to L. Civ. R. 42.1 that grants Aetna's Motion to Consolidate; and (2) an order directed to Chief Judge Simandle pursuant to L. Civ. R. 40.1(e) that reassigns the relevant cases to Judge McNulty if Aetna's Motion to Consolidate is granted.